

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**CHRISTUS ST. VINCENT REGIONAL
MEDICAL CENTER**

and

Case 28-CA-149798

**DISTRICT 199NM, NATIONAL UNION OF
HOSPITAL AND HEALTHCARE WORKERS
AFSCME, AFL-CIO**

ORDER¹

Nicole Gonzales' petition to revoke subpoena ad testificandum A-1-MP9L45 is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. See *Postal Workers Local 64 (USPS)*, 340 NLRB 912 (2003); *Offshore Mariners United*, 338 NLRB 745 (2002).² Further, the Petitioner has failed to establish any other legal basis

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The disposition of the Employer's petition to revoke is consistent with existing Board law as reflected in *Postal Workers* and *Offshore Mariners*, which enforce subpoenas identifying the case name and number.

Member Miscimarra agrees that the Region has described with sufficient particularity the evidence sought from Ms. Gonzales, based on the Region's uncontradicted assertion in its brief in opposition to the petition to revoke that it has explained to Ms. Gonzales' counsel which allegations will likely be the focus of the testimony it seeks. In the view of Member Miscimarra, however, the subpoena itself should describe with reasonable particularity the general topic(s) or issue(s) that would be the subject of subpoenaed testimony or other evidence. See Sec. 11(1) of the Act; Sec. 102.31(b) of the Board's Rules. Member Miscimarra believes the requirement of "particularity" requires more than merely giving the case name and number of the proceeding in which the subpoena has been issued. He also notes that the Board has moved in the direction of providing substantially more detail in remedial notices, for example, to "facilitate a better understanding," including hyperlinks and QR codes providing direct electronic access to the Board's decision(s). Cf. *Durham School*

for revoking the subpoena. See generally, *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., August 24, 2015.

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

Services LP, 360 NLRB No. 85 (2014). Although subpoenas serve a different purpose, Member Miscimarra believes subpoenas should provide fair notice to recipients regarding the topic(s) or issue(s) deemed relevant to the testimony or other evidence being sought.